

MINUTES
BOARD OF ALDERMEN
MAY 13, 2021

Mayor Mills called the meeting to order at 5:30 p.m. in the Town Hall Council Chambers, 321 Causeway Drive, Wrightsville Beach, North Carolina.

Attendance: Mayor Darryl Mills, Mayor Pro Tem Hank Miller and Alderman Zeke Partin; together with Town Attorney Brian E. Edes, Town Manager Timothy W. Owens and Town Clerk Sylvia J. Holleman.

Absent due to scheduling conflicts: Alderman Ken Dull and Alderman Jeff DeGroot.

Pledge of Allegiance

Invocation by Rev. Doug Lain, Wrightsville United Methodist Church

PUBLIC COMMENTS: ERIC EVENSON – UPDATE ON WHAT HAS ACTUALLY BEEN HAPPENING WITH BEACH EQUIPMENT.

Mr. Eric Evenson, resident of South Ridge Lane, said he was grateful for how well the Town is managed. He said his family has been coming here for over a hundred years and he has been coming since 1975 and not much has really changed; it's still the quaint family beach; not like Myrtle Beach. Mr. Evenson said, "That is what concerns my neighbors. The company that applied for this is the same individual that was illegally parking every day last summer – parking and taking equipment to the beach. He was cited in August yet he is still advertising today. What concerns us is the culture of the strand. We have all the amenities but if we lose the strand, we lose Wrightsville Beach. Two things could lead to that: putting up a string of high rise hotels and letting people take up square footage on the beach. A Planning Board member said Myrtle Beach tightened up their regulations and they are not allowing pop-up tents because lifeguards cannot see over them. Wrightsville Beach is not designed for his truck. I ask staff to understand that this beach cannot go that route. Maybe they should be told a resounding NO when they come back – and they "will" come back. There is also a problem with trucks and cars revving up their engines and booming music." Mr. Evenson said he was pointing all of this out because the information was important and he felt the Board needed to know. Mayor Mills thanked Mr. Evenson and everyone else who showed up and assured them that the Board is aware of their concerns.

CONSENT AGENDA APPROVED WITH AT 3-0 VOTE BY MOTION OF ALDERMAN PARTIN AND SECOND BY MAYOR PRO TEM MILLER.

- a. Approved Regular and Closed Session Minutes of April 8, 2021, and Budget Work Session Minutes of April 14, April 21 and May 4, 2021.
- b. Approved special event permits as follows:
 1. Surfers Healing (Surfing experience for individuals with Autism) (300 participants)
Monday, August 23, 2021 (8:30 am – 4:40 pm) (setup begins at 7:00 am)
Location: Beach Strand between Birmingham and Stone Streets.
*** Recurring Event
 2. Carolina Pro Am SUP Surf Event (400 participants per day)
Friday-Sunday, November 12-14, 2021 (8:00 am – 6:00 pm)
Location: Beach Strand between Access 38 and 39 (south of Oceanic Pier)
*** Recurring Event

- c. Approved additional special event permits as follows:
 - 1. Little Chapel on the Boardwalk Worship Services (50-75 participants)
Dates: June 6, 13, 20 and 27, 2021 (7:00-8:45 a.m.)
Location: Beach Access 4 (L-shaped parking lot at the north end)
 - 2. Grace Baptist Church Easter Sunrise Service (approx.. 250 participants)
Sunday, April 17, 2022 (5:00-7:45 am)
Location: Beach Access 8 (*adjacent to Holiday Inn Resort*)
 - 3. First Presbyterian Church Beach Worship Services (50-75 participants)
Dates: June 13, July 11, and August 8, 2021 (7:45 – 9:15 a.m.)
Location: Beach Access 34 (north of Crystal Pier)
- d. Approved special event permit to show a Surf Movie in the Park on Tuesday, September 7, 2021 at 8:00 p.m. This would be a Town-sponsored event.
- e. Approved request to reschedule the WMPO Bicycle and Pedestrian Committee's Annual River to Sea Bike Ride from May to Saturday, October 16, 2021.
- f. Acknowledged previously approved special events for June.
- g. Acknowledged departmental quarterly reports covering the months of January, February and March, 2021. (The General Administration Quarterly Report will go out under separate cover.)
- h. Approved Commemorative Bench Sponsorship requests from Connie B. Merriman and Samuel Wheeler to replace two benches (with plaques) at the Wrightsville Beach Park Tennis Courts; and a request from Patti Jacaruso to place a six-foot contour bench in the Harbor Way Gardens.
- i. Adopted Resolution No. (2021) 2240 proclaiming the week of May 9-15, 2021 as Police Week in the Town of Wrightsville Beach and Saturday, May 15, 2021 as Peace Officers Memorial Day.
- j. Set a public hearing for Thursday, June 24, 2021 at 5:00 p.m., or as soon thereafter as possible, for the Board of Adjustment to consider a request from R. Henry Temple, MD and Margaret Temple, of 210 North Channel Drive, for a variance from the side yard setbacks on the south side of the home to install an elevator. The request is for a 4' variance from the side yard setback of 7.5'.
- k. Set a public hearing for Thursday, June 24, 2021 at 5:00 p.m., or as soon thereafter as possible, for the Board of Adjustment to consider a request from Ian and Laura Blair of 103 West Salisbury Street for a variance from the Town's rear setback requirements. The request is for a 2' variance from the rear setback requirements for the cantilever second floor tub area.

PRESENTATION OF LIFE SAVING AWARDS TO SGT. JIMMY RICH, CORPORAL ANDREW TERRY, OFFICER JORDAN DEAL, AND SHELL ISLAND SECURITY GUARD B. PRICE.

Chief Squires presented Lifesaving Awards to Police Officer Jordan Deal, Corporal Andrew Terry and Sergeant Jimmy Rich for demonstrating empathy, tenacity and follow-through in an incident that occurred on December 11, 2020 and began with a traffic stop

for speeding. Chief Squires said, “They were able to navigate the difficult course between the need to help and the legal authority to force that help. I applaud this level of dedication to the ultimate mission of preserving life.” A standing ovation followed.

Police Chief Squires then presented Lifesaving Awards to Sergeant Jimmy Rich, Police Officer Jordan Deal and Shell Island Security Guard B. Price for taking immediate action to save the life of a person they did not know in an incident that occurred at the Shell Island Resort on February 28, 2021. He said, “Their actions directly led to the citizen not falling and suffering a significant or fatal injury.” Another standing ovation followed.

CONTINUED PUBLIC HEARING FOR CONSIDERATION OF A ZONING TEXT AMENDMENT TO SECTIONS 155.7.15(E) AND 155.7.15(G) ALLOWING FOR RENTAL OF RECREATIONAL BEACH EQUIPMENT. ORDINANCE NO. (2021) 1821 AND ORDINANCE NO. (2021) 1822. (CONTINUED FROM APRIL 8, 2021.)

Mayor Mills stated that a request had been received to withdraw this item. Mr. Edes said, in connection with withdrawing this, Attorney Sam Franck sent me a letter with the following: “In recognition of the Planning Board recommendation on this text amendment as proposed, and with respect to the time and attention for all concerned to consider this further, we have elected to withdraw our application prior to the Aldermen’s consideration of it. The concept of regulation of services provided on the beach is important. We continue to believe it a desirable thing for the Town to facilitate, but recognize that this text amendment is not the right solution.” Mayor Mills said, “I join him in his comments. We are aware of your concerns.”

DISCUSSION AND DIRECTION ON AMENDMENT EIGHT TO EXTEND THE TOWN’S CURRENT LEASE AGREEMENT WITH NEW CINGULAR WIRELESS (AT&T) FOR THE PLACEMENT OF ANTENNAE AND OTHER EQUIPMENT ON THE SOUTH LUMINA AVENUE WATER TANK. RESOLUTION NO. (2021) 2237.

Mr. Owens said, “We have done this multiple times. We have some things going on with water and sewer and changes in technology. We got them to extend for three years and stick by the original agreement. Resolution No. (2021) 2237 will extend the current agreement by three years.” When Mayor Mills asked if there was any reason why we couldn’t get a price increase, Mr. Owens replied, “We just played it safe. We would have to hire someone to know what the price would be. They wanted to go twenty-five years.” Mayor Mills and Alderman Partin said they felt three years was plenty. Following a brief discussion regarding the fact that the 3% annual escalation clause was still in effect, Mayor Pro Tem Miller made the motion to adopt Ordinance No. (2021) 2237 subject to Town Attorney review of the agreement. The motion was seconded by Alderman Partin and approved with a 3-0 vote.

CONSIDERATION OF RESOLUTION NO. (2021) 2238 TO APPROVE A PRIMARY DISASTER RECOVERY ASSISTANCE AGREEMENT WITH STATE TREE SERVICES, INC. FOR THE PERIOD BEGINNING JULY 1, 2021 THROUGH JUNE 30, 2023; AND CONSIDERATION OF RESOLUTION NO. (2021) 2239 TO APPROVE A SECONDARY DISASTER RECOVERY ASSISTANCE AGREEMENT WITH CUSTOM TREE CARE, INC. FOR THE PERIOD BEGINNING JULY 1, 2021 THROUGH JUNE 30, 2023.

Mr. Owens said, “Barry Johnson handles this for us. State Tree Services was selected as the Primary based on the bids. We also have a Secondary – Custom Tree Care. We are seeking adoption of Resolution No. (2021) 2238 and Resolution No.

(2021) 2239 for approval of those agreements.” Following a brief discussion, Mayor Pro Tem Miller made the motion to adopt Resolution No. (2021) 2238 to approve a Primary Disaster Recovery Assistance Agreement with State Tree Services, Inc. and to adopt Resolution No. (2021) 2239 to approve a Secondary Disaster Recovery Assistance Agreement with Custom Tree Care, Inc. subject to review of the Agreements by the Town Attorney. The motion was seconded by Alderman Partin and approved with a 3-0 vote.

DISCUSSION AND DIRECTION ON SETTING THE FILING FEE FOR THE UPCOMING MUNICIPAL ELECTION.

Mr. Owens said, “The current filing fee is \$10 for Alderman and \$10 for Mayor. The Director of the County Board of Elections contacted us to see if we wanted to change that for the upcoming election. The minimum filing fee is \$5.00 and the maximum filing fee is 1% of the annual salary of the office being sought which is \$78 for Mayor and \$66 for Alderman. The filing fee is kept by the County to help offset the cost of the election.” Following a brief discussion, there was consensus by the Board members present to leave the filing fee as is. Alderman Partin noted that the New Hanover County Board of Elections recently moved to the Northeast Library.

DISCUSSION REGARDING THE PROPOSED FY21/22 BUDGET AND SET A PUBLIC HEARING FOR JUNE 10, 2021.

Mr. Owens said, “I am proposing a revenue neutral tax rate of \$0.0923 per \$100 of valuation and I am requesting that we schedule a public hearing for June 10, 2021 at 5:30 p.m., or as soon thereafter as possible, for public input on the budget.” Mr. Owens then reviewed the following highlights from the proposed budget: 1) This was a re-evaluation year and the tax rate that has been programmed into the budget is revenue neutral at \$0.0923 per \$100 of valuation; 2) The General Fund Budget is balanced at \$12,551,330 and no fund balance was used to balance the budget; 3) The Water and Sewer Fund is balanced at \$3,597,824 and no reserve funds were used to balance the budget; 4) The Town continues to put away funds for Capital Items and increased its typical \$500,000 per year payment towards future beach nourishments to \$841,167; and 5) The Town continues to be in good financial shape with a solid fund balance and other reserves should the need arise to use them. Mr. Owens said, “We will deliver the budget to you by May 28th and we’re asking you to set a public hearing for June 10, 2021.” When asked if the County would be revenue neutral, Mayor Mills said, “We are revenue neutral for our portion; the County may not be revenue neutral. We will be able to see the impacts of that before our public hearing.” There was consensus by the Board members present to hold a public hearing on June 10, 2021, at 5:30 p.m., or as soon thereafter as possible, in Council Chambers of Town Hall.

ALDERMAN PARTIN: OTHER ITEMS AND REPORTS.

- The Flotilla is happy that they got their extra money and excited to be providing us great opportunities to see fireworks and other things. The Cape Fear Council of Governments has not met except for the executive committee.

MAYOR PRO TEM MILLER: OTHER ITEMS AND REPORTS.

- The MPO did not meet yet. We are getting ready for the next five-year plan.

MAYOR MILLS: OTHER ITEMS AND REPORTS.

- I have been approached by former Police Chief John Carey relative to the Town considering naming one or more of the streets in the Municipal Complex after a former police chief and a former fire chief. He said he would be glad to speak to the Board. I'm just letting everyone know. I will talk to Alderman Dull and Alderman DeGroote and let them know.
- Update on bathrooms at the Trolley Stop. Mr. Owens said, "We're losing time on our scheduling. I'm in contact with the contractors; they had issues with electrical. The outside is pretty much done. In two more weeks, they may be able to close. They have been through three foremen." Mayor Pro Tem Miller asked how many trees we lost there. Mr. Owens replied, "Two live oaks. We will do some plantings."
- Upcoming Meet and Greet with Police Chief Squires on June 3rd at 5:30 p.m. at the police station. Alderman Partin asked if this goes out in Katie's email list. Chief Squires replied, "Yes." Mayor Pro Tem Miller suggested putting something definitive on their website about the noise situation. He said tonight was the first time he had heard about noise issues on the north end. He noted that cars were also taking off fast on Lula Street. He said maybe we could make people aware of it and that we're doing something about it.

MS. HOLLEMAN: OTHER ITEMS AND REPORTS.

- Headcount for the Board of Adjustment meeting on May 27th: Mayor Mills and Mayor Pro Tem Miller can be there. Alderman Partin cannot be there.
- Mr. Edes expressed the need for a second attorney at the Board of Adjustment meeting to represent the Board as he would be representing staff. He suggested Bob Hornik because he has done that before.

MR. OWENS: OTHER ITEMS AND REPORTS.

- A conference call is scheduled for next Wednesday with the Corps of Engineers regarding the next beach nourishment. It will include Carolina Beach, Kure Beach, Wrightsville Beach, Ocean Isle Beach and New Hanover County.

MR. EDES: OTHER ITEMS AND REPORTS.

- On April 28th, I attended a portion of the Coastal Resources Commission meeting. They gave a comprehensive report as to what is going on with projects on the beach. I encourage you to look at that.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 6:10 P.M.

Respectfully submitted,

Sylvia H. Holleman
Town Clerk